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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,979	02/04/2004	Paul A. Rhea	60046.0027USU1	3582

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EXAMINER	
TSAI, CAROL S W	

ART UNIT	PAPER NUMBER
2857	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/771,979	RHEA ET AL.	
	Examiner	Art Unit	
	Carol S. Tsai	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/8/06*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *17-21* is/are allowed.

6)☒ Claim(s) *13 and 15* is/are rejected.

7)☒ Claim(s) *14 and 16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,591,010 to Russin in view of U. S. Publication No. 2004/0227751 to Anders.

As to claim 13, Russin discloses a method for automatically testing the video display functionality of a computer video card, comprising: displaying a three dimensional image on a computer display monitor according to a first display orientation (see Abstract, lines 12-18 and col. 5, line 35 to col. 6, line 21); capturing the three dimensional image displayed according to a first display orientation and storing the captured three dimensional image to a memory location (see col. 5, line 29 to col. 6, line 50); comparing one or more selected pixels of the stored captured three dimensional image to a known color range for the one or more selected pixels; and if a color of the one or more selected pixels does not fall within the known color range for

the one or more selected pixels, designating the computer video card as failing the video test (see Abstract, lines 12-18 and col. 6, line 51 to col. 7, line 35).

Russin does not disclose rotating the three dimensional image on the computer display monitor to a second display orientation.

Anders teaches rotating the three dimensional image on the computer display monitor to a second display orientation (see paragraph 0019).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Russin's method to include rotating the three dimensional image on the computer display monitor to a second display orientation, as taught by Anders, in order that a three-dimensional image can be generated for testing video hardware and software.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,591,010 to Russin in view of U. S. Patent No. 6,580,466 to Siefken.

As to claim 15, Russin discloses a method for automatically testing an image file, comprising: displaying frames of the image file on a computer display monitor and copying one of the displayed frames as a test frame to a bitmap file in a first memory context (see col. 5, lines 26-29 and col. 10, lines 56-57); displaying the bitmap file on the computer display monitor (see Figs. 1 and 5 and col. 3, lines 41-43); capturing the displayed bitmap file and storing the captured displayed bitmap file to a second memory context (see col. 5, line 29 to col. 6, line 50); comparing the captured displayed bitmap file in the second memory context to the bitmap file copied to the first memory context on a pixel-by-pixel basis; if any pixel of the bitmap file copied to the first memory context is different from a corresponding pixel of the bitmap file

stored in the second memory context, designating the image file as failing a video test (see Abstract, lines 12-18 and col. 6, line 51 to col. 7, line 35).

Russin does not disclose the image file being an audio video interleaved (AVI) file.

Siefken teaches an audio video interleaved (AVI) file (see col. 8, line 57 to col. 9 line 8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Russin's method to include an audio video interleaved (AVI) file, as taught by Siefken, in order that a sound and motion picture file that conforms to Microsoft corporation's WINDOWS™ Resource Interchange can be displayed for testing video hardware and software.

Allowable Subject Matter

5. Claims 14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 17-21 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: U. S. Patent No. 6,591,010 to Russin is the reference closest to the claimed invention. Russin discloses Russin discloses a method for automatically testing the video display functionality of a computer video card, comprising: storing a first computer displayable image in a first memory context; passing the image through a computer video card for displaying on a computer display monitor; displaying the image on the computer display monitor; capturing the displayed image and storing the captured displayed image to a second memory context; comparing the first stored

image to the second stored image to determine whether the second stored image is substantially the same as the first stored image after the first image is displayed on the computer display monitor; and if the first stored image is not substantially the same as the second stored image, designating the computer video card as failing a video test. However, Russin does not teach after comparing the first stored image to the second stored image to determine whether the second stored image is substantially the same as the first stored image, changing the resolution of the first stored image; storing the first stored image having the changed resolution in the first memory context; passing the first stored image having the changed resolution through a computer video card for displaying on a computer display monitor; displaying the first stored image having the changed resolution on the computer display monitor; capturing the displayed first stored image having the changed resolution and storing the captured displayed image to a second memory context; and comparing the first stored image having the changed resolution to the second stored image having the changed resolution to determine whether the second stored image having the changed resolution is substantially the same as the first stored image having the changed resolution after the change in resolution of the first stored image; and including all of the other limitations in the respective independent claims.

Response to Arguments

8. Applicant's arguments filed February 8, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Russin discloses the claimed invention except for rotating the three dimensional image on the computer display monitor to a second display orientation. Anders teaches rotating the three dimensional image on the computer display monitor to a second display orientation (see paragraph 0019), in order that a three-dimensional image can be generated for testing video hardware and software. Therefore, Russin in combination with Anders teach the claimed invention.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Russin discloses the claimed invention except for the image file being an audio video interleaved (AVI) file. Siefken teaches an audio video interleaved (AVI) file (see col. 8, line 57 to col. 9 line 8), in order that a sound and motion picture file that conforms to Microsoft corporation's WINDOWS™ Resource Interchange can be displayed for testing video hardware and software. Therefore, Russin in combination with Siefken teach the claimed invention.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. W. Tsai whose telephone number is (571) 272-2224. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

cswt
April 1, 2006
Art Unit 2857

CAROL S.W. TSAI
PRIMARY EXAMINER